

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

**RESOLUTION NO. R3-2009-0008
MARCH 20, 2009**

AMENDING THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COAST BASIN TO (1) ADD TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN THE PAJARO RIVER WATERSHED (INCLUDING PAJARO RIVER, SAN BENITO RIVER, LLAGAS CREEK, TEQUISQUITA SLOUGH, SAN JUAN CREEK, CARNADERO/UVAS CREEK, BIRD CREEK, PESCADERO CREEK, TRES PINOS CREEK, FURLONG (JONES) CREEK, SANTA ANA CREEK, AND PACHECHO CREEK); (2) ADD A DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION; AND (3) ADD A HUMAN FECAL MATERIAL DISCHARGE PROHIBITION

The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) finds:

1. The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) adopted the second edition of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) on September 8, 1994. The Basin Plan designates beneficial uses and water quality objectives, sets forth implementation plans to achieve water quality objectives addressing point source and nonpoint source discharges, adopts prohibitions, and incorporates statewide plans and policies.
2. The Central Coast Water Board periodically revises and amends the Basin Plan. The Central Coast Water Board has determined the Basin Plan requires further revision and amendment to: (1) incorporate the Total Maximum Daily Loads (TMDLs) and Implementation Plan for fecal coliform in the Pajaro River Watershed, including the Pajaro River, San Benito River, Llagas Creek, Tequisquita Slough, San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek, (2) add a Domestic Animal Waste Discharge Prohibition applicable to the Pajaro River Watershed, and (3) add a Human Fecal Material Discharge Prohibition applicable to the Pajaro River Watershed.
3. The Central Coast Water Board proposes to amend the Basin Plan by inserting amendments into the following sections:
 - a. Chapter Four, Section IX (Total Maximum Daily Loads).
 - b. Chapter Five, Section IV.B. (Discharge Prohibitions)

4. On May 20, 2004, the State Water Resources Control Board (State Water Board) adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). This Policy requires the Water Boards to regulate all nonpoint sources of pollution using the administrative permitting authorities provided by the California Water Code. This Policy allows Regional Water Boards to regulate nonpoint source discharges with Waste Discharge Requirements, Waivers of Waste Discharge Requirements, or Basin Plan Prohibitions.
5. Section 303(d) of the Clean Water Act requires states to identify and prepare a list of water bodies that do not meet water quality standards. Water bodies on the 303(d) list are referred to as listed water bodies, or impaired waters. Section 303(d) of the Clean Water Act requires states to establish TMDLs for listed water bodies.
6. Pajaro River, San Benito River, Llagas Creek, and Tequisquita Slough are listed on the Clean Water Act 303(d) list as impaired due to non-attainment of existing Basin Plan water quality objectives and United States Environmental Protection Agency (USEPA) water quality criteria for fecal indicator bacteria (including fecal coliform and/or *Escherichia coli*). This Resolution establishes TMDLs and associated allocations for these listed water bodies.
7. San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Pechecho Creek, and Santa Ana Creek are located in the Pajaro River Watershed, are currently not listed on the Clean Water Act 303(d) list of impaired waters, and are not meeting the Basin Plan water quality objectives for fecal indicator bacteria. The Central Coast Water Board finds that these water bodies are impaired due to non-attainment of Basin Plan water quality objectives for fecal coliform. Therefore, this Resolution establishes TMDLs and associated allocations for these water bodies.
8. The Central Coast Water Board's goal for establishing TMDLs in the Pajaro River Watershed is to rectify the impairment due to fecal coliform, thereby providing support for the beneficial uses of contact and non-contact water recreation.
9. The mouth of Pajaro River is the receiving water for approximately 1,253 square miles of land. Water from Pajaro River flows into Monterey Bay.
10. The elements of a TMDL are described in 40 CFR 130.2 and 130.7, section 303(d) of the Clean Water Act, and USEPA guidance documents. A TMDL is defined as "the sum of individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). The Central Coast Water Board has determined that the TMDLs for fecal coliform in the Pajaro River Watershed are set at levels necessary to attain and maintain the applicable numeric water quality objectives taking into account seasonal

variations and any lack of knowledge or uncertainty concerning the relationship between effluent limitations and water quality (40 CFR 130.7 (c) (1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading, and water quality parameters. TMDLs are often expressed as a mass load of the pollutant but can be expressed as a unit of concentration if appropriate (40 CFR 130.2(i)). Expressing these TMDLs as units of concentration is appropriate because an existing concentration-based water quality objective is used as the basis for the TMDL numeric target.

11. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs, along with appropriate implementation measures, into the State Water Quality Management Plan (40 CFR 130.6 (c)(1) and 130.7; California Water Code sections 13050(j) and 13242). The Basin Plan and applicable statewide plans serve as the State Water Quality Management Plan governing the watersheds under the jurisdiction of the Central Coast Water Board.
12. Central Coast Water Board staff submitted the Project Report for the TMDLs to an external scientific review panel in February 2008. Central Coast Water Board staff edited the Project Report or provided a written response that explained the basis for not incorporating the comments, or the comments did not result in any changes to the proposed Basin Plan amendments. The TMDLs and implementation plan are based on sound scientific knowledge, methods, and practices in accordance with Health & Safety Code section 57004.
13. Central Coast Water Board staff implemented a process to inform interested persons and the public about the TMDLs. Central Coast Water Board staff's efforts to inform the public and solicit comment included a public meeting and telephone conversations with interested parties. Public notification of the amendments to the Basin Plan occurred for a 45-day period preceding the Central Coast Water Board hearing. Notice of public hearing was given by advertising in newspapers of general circulation within the Region and by mailing a copy of the notice to all persons requesting such notice and applicable government agencies. Relevant documents and notices were also made available on the Central Coast Water Board website. The Central Coast Water Board responded to oral and written comments received from the public. All public comments were considered.
14. Anti-Degradation — The adoption of these TMDLs are consistent with the provisions of the State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and 40 CFR 131.12.
15. The Central Coast Water Board concurs with the analysis contained in the Final Project Report, the California Environmental Quality Act (CEQA) "Substitute Environmental Document" for the Basin Plan Amendments, including the CEQA Checklist, the staff report and the responses to comments, and finds that these

analyses comply with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in California Code of Regulations, Title 23, section 3775 et seq. Furthermore, the Central Coast Water Board finds that these analyses fulfill the Central Coast Water Board's obligations attendant with the adoption of regulations "requiring the installation of pollution control equipment, or a performance standard or treatment requirement," as set forth in section 21159 of the Public Resources Code. The Central Coast Water Board's environmental analysis has taken into account a reasonable range of environmental, economic, and technical factors.

16. The Central Coast Water Board will request that the State Water Board approve the Basin Plan amendments incorporating: (a) the TMDLs for fecal coliform in the Pajaro River Watershed, and (b) the Domestic Animal Waste Discharge Prohibition and the Human Fecal Material Discharge Prohibition (Prohibitions) applicable to the Pajaro River Watershed. The TMDLs and Implementation Plan for the TMDLs, and Prohibitions, will become effective upon approval by the California Office of Administrative Law.
17. The amendments to the Basin Plan may have an effect on fish and wildlife. The Central Coast Water Board will, therefore, forward fee payments to the Department of Fish and Game under the California Fish and Game Code section 711.4.
18. On March 20, 2009, in Salinas, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record.
19. The proposed amendments meet the "Necessity" standard of the Administrative Procedure Act, Government Code, section 11353, subdivision (b).

THEREFORE, be it resolved that:

1. Pursuant to sections 13240, 13241, 13242, 13243, and 13244 of the California Water Code, the Central Coast Water Board, after considering the entire record, including the oral testimony at the hearing, hereby adopts the amendments in "Attachment-Proposed Basin Plan Amendments."
2. The Executive Officer is directed to forward copies of the Basin Plan amendments to the State Water Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Central Coast Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward them to the California Office Of Administrative Law and the USEPA.

4. The Executive Officer is authorized to transmit payment of the applicable fee as may be required to the Resources Agency.
5. If, during its approval process, Central Coast Water Board staff, State Board staff, the State Water Board or the California Office of Administrative Law determines that minor, non-substantive corrections to the language of the amendments are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Central Coast Water Board of any such changes.
6. The environmental documents prepared by the Central Coast Water Board staff pursuant to Public Resources Code 21080.5 are hereby certified.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Central Coastal Region, on XXX.

Roger W. Briggs
Executive Officer

RESOLUTION NO. R3-2009-0008

ATTACHMENT - PROPOSED BASIN PLAN AMENDMENTS

Revise the September 8, 1994 Basin Plan, as follows:

AMENDMENT NO. 1. ADD TOTAL MAXIMUM DAILY LOADS FOR FECAL COLFORM IN PAJARO RIVER WATERSHED WATERS (INCLUDING PAJARO RIVER, SAN BENITO RIVER, LLAGAS CREEK, TEQUISQUITA SLOUGH, SAN JUAN CREEK, CARNADERO/UVAS CREEK, BIRD CREEK, PESCADERO CREEK, TRES PINOS CREEK, FURLONG (JONES) CREEK, SANTA ANA CREEK, AND PACHECHO CREEK)

Add the following to Chapter IV. after IX. L.:

IX. M. TOTAL MAXIMUM DAILY LOADS FOR FECAL COLFORM IN PAJARO RIVER WATERSHED WATERS (INCLUDING PAJARO RIVER, SAN BENITO RIVER, LLAGAS CREEK, TEQUISQUITA SLOUGH, SAN JUAN CREEK, CARNADERO/UVAS CREEK, BIRD CREEK, PESCADERO CREEK, TRES PINOS CREEK, FURLONG (JONES) CREEK, SANTA ANA CREEK, AND PACHECHO CREEK)

The Regional Water Quality Control Board adopted these TMDLs on March 20, 2009.
These TMDLs were approved by:

<u>The State Water Resources Control Board on</u>	
<u>The California Office of Administrative Law on</u>	<u>(date)</u>
<u>The U.S. Environmental Protection Agency on</u>	<u>(date)</u>

Problem Statement

The beneficial use of water contact recreation is not being attained in Pajaro River Watershed (including the following water bodies: Pajaro River, San Benito River, Llagas Creek, Tequisquita Slough, San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek) because fecal coliform concentrations exceed Basin Plan numeric water quality objectives protecting this beneficial use.

Numeric Target

Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

Source Analysis

The relative order of controllable sources contributing fecal coliform in the Pajaro River Watershed, in decreasing order of contribution are: (1) storm drain discharges to municipally owned and operated storm sewer systems required to be covered by an NPDES permit (MS4s); (2) domestic animal discharges that do not discharge to MS4s; (3) spills and leaks from Sanitary Sewer Collection and Treatment Systems; and (4) private sewer laterals connected to municipal sanitary sewer collection systems.

TMDLs and Allocations

The TMDLs for the impaired waters of Pajaro River, San Benito River, Llagas Creek, Tequisquita Slough, San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek are concentration-based TMDLs applicable to each day of all seasons equal to the following:

Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

The allocations to responsible parties are shown in Table IX-M1.

Table IX – M - 1. Allocations and Responsible Parties

<u>Waterbody Assigned Allocation</u>	<u>Responsible Party [NPDES and/or WDR number] (Source)</u>	<u>Receiving Water Fecal Coliform Allocation</u>
WASTE LOAD ALLOCATIONS		
<u>Pajaro River¹</u> <u>San Benito River²</u> <u>Llagas Creek³</u> <u>Tequisquita Slough⁴</u>	<u>Santa Cruz, Santa Clara, and Monterey Counties.</u> <u>Cities of Hollister, Morgan Hill, Gilroy, and Watsonville</u> <u>[NPDES No. CAS000004]</u> <u>(Storm Drain Discharges To Municipally Owned And</u> <u>Operated Storm Sewer Systems Required to be</u> <u>covered by an NPDES Permit (MS4s))</u>	<u>Allocation 1</u>
<u>Pajaro River¹</u> <u>San Benito River²</u> <u>Llagas Creek³</u> <u>Tequisquita Slough⁴</u>	<u>City of Hollister</u> <u>[WDR 87-47]</u> <u>City of Watsonville</u> <u>[WDR Order R3-2003-0040, NPDES No. CA0048216]</u> <u>Cities of Gilroy and Morgan Hill via South County</u> <u>Regional Wastewater Authority (SCRWA)</u> <u>[WDR Order R3-2004-0099, NPDES No. CA0049964]</u> <u>San Juan Bautista Wastewater Treatment Facility</u> <u>[WDR Order R3-2003-0087, NPDES No. CA0047902]</u> <u>Sunnyslope County Water District</u> <u>[WDR Order R3-2004-0065]</u> <u>Tres Pinos County Water District</u> <u>[WDR Order 99-101]</u> <u>Pajaro County Sanitation District</u> <u>[WDR Order R3-2003-0041]</u> <u>(Sanitary Sewer Collection and Treatment Systems</u> <u>Spills and Leaks)</u>	<u>Allocation 2</u>
<u>Pajaro River¹</u> <u>San Benito River²</u> <u>Llagas Creek³</u> <u>Tequisquita Slough⁴</u>	<u>Owners of Private Sewer Laterals</u> <u>(Private laterals connected to municipal Sanitary</u> <u>Sewer Collection and Treatment Systems)</u>	<u>Allocation 2</u>
LOAD ALLOCATIONS		
<u>Waterbody</u>	<u>Responsible Party (Source)</u>	
<u>Pajaro River¹</u> <u>San Benito River²</u> <u>Llagas Creek³</u> <u>Tequisquita Slough⁴</u>	<u>Owners/operators of land used for/containing</u> <u>domestic animals</u> <u>(Domestic Animal Discharges)</u>	<u>Allocation 1</u>
<u>Pajaro River¹</u> <u>San Benito River²</u> <u>Llagas Creek³</u> <u>Tequisquita Slough⁴</u>	<u>Natural Sources</u>	<u>Allocation 1</u>
<p><u>Allocation 1: Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200/100mL, nor shall more than ten percent of total samples during any 30-day period exceed 400/100 mL.</u></p> <p><u>Allocation 2: Allocation of zero; no fecal coliform bacteria load originating from human sources of fecal material is allowed.</u></p>		

- ¹ The entire Pajaro River from the Pacific Ocean to San Felipe Lake outflow via the Miller's Canal drain. Including the entire San Juan Creek tributary from the uppermost reach of the waterbody to the confluence with Pajaro River, and Carnadero/Uvas Creek tributary from Hollister Road crossing to the confluence with Pajaro River.
- ² San Benito River from confluence with Pajaro River to three miles above Old Hernandez Road at Arizona Crossing (e.g., three miles upstream of monitoring site SBA). Including Bird Creek tributary from the uppermost reach of the waterbody to the confluence with San Benito River, the Pescadero Creek tributary from the uppermost reach of the waterbody to the confluence with San Benito River, and Tres Pinos Creek tributary from the uppermost reach of the waterbody to the confluence with San Benito River.
- ³ Llagas Creek from confluence with Pajaro River to Oak Glen Avenue. Including Furlong (Jones) Creek tributary from the uppermost reach of the waterbody to confluence with Llagas Creek.
- ⁴ Tequisquita Slough from confluence with San Felipe Lake to the uppermost reach of the waterbody. Including Santa Ana Creek tributary from the uppermost reach of the waterbody to Tequisquita Slough, and Pechecho Creek tributary from the uppermost reach of the waterbody to San Felipe Lake.

The parties responsible for the allocations to controllable sources are not responsible for the allocation to natural sources.

Margin of Safety

A margin of safety is incorporated implicitly in the TMDLs through conservative assumptions.

Implementation

MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGES

The Central Coast Water Board will address fecal indicator bacteria (FIB), e.g. fecal coliform and/or other indicators of pathogens, discharged from the Counties of Santa Cruz, Santa Clara, and Monterey, and the Cities of Hollister, Gilroy, Morgan Hill, and Watsonville municipal separate storm sewer systems (MS4 entities) by regulating the MS4 entities under the provisions of the State Water Resource Control Board's General Permit for the Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit) (NPDES No. CAS000004). As enrollees under the General Permit, the MS4 entities must develop and implement Storm Water Management Plans (SWMPs) that control urban runoff discharges into and from their MS4s. To address the MS4 entities' TMDL wasteload allocations, the Central Coast Water Board will require the MS4 entities to specifically target FIB in urban runoff through incorporation of Wasteload Allocation Attainment Plans in their SWMPs.

The Central Coast Water Board will require the Wasteload Allocation Attainment Plans describe the actions that will be taken by the MS4 entities to attain the TMDL wasteload allocations, and specifically address:

1. Development of an implementation and assessment strategy;
2. Source identification and prioritization;

3. Best management practice identification, prioritization, implementation, analysis, and effectiveness assessment;
4. Monitoring program development and implementation;
5. Reporting; including evaluation whether current best management practices are progressing towards achieving the wasteload allocations by thirteen years after the TMDLs are approved by the Office of Administrative Law.
6. Coordination with stakeholders; and
7. Other pertinent factors.

The Wasteload Allocation Attainment Plans will be required by the Central Coast Water Board to address each of these TMDLs that occur within the MS4 entities' jurisdictions.

The Central Coast Water Board will require the Wasteload Allocation Attainment Plans to be submitted at one of the following milestones, whichever occurs first:

1. Within one year of approval of the TMDLs by the Office of Administrative Law;
2. When the second storm water annual report is due; or
3. When required by any other Water Board-issued storm water requirements (e.g., when the Phase II Municipal Storm Water Permit is renewed).

For those MS4 entities that are enrolled under the General Permit at the time of submittal, the Wasteload Allocation Attainment Plans must to be incorporated into the SWMPs when they are submitted. For those MS4 entities that are not enrolled under the General Permit at the time of submittal, the Wasteload Allocation Attainment Plans must be incorporated into the SWMPs when the SWMPs are approved by the Central Coast Water Board.

The Executive Officer or the Central Coast Water Board will require information that demonstrates implementation of the actions described above, pursuant to applicable sections of the California Water Code and/or pursuant to authorities provided in the General Permit for storm water discharges.

SANITARY SEWER COLLECTION AND TREATMENT SYSTEMS SPILLS AND LEAKS

Entities with jurisdiction over sewer collection systems in the Pajaro River Watershed must comply with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with their load allocation for this TMDL.

To comply with the Human Fecal Material Discharge Prohibition, the Hollister Domestic Wastewater Treatment Facility (WDR Order 87-47), Sunnyslope County Water District, Ridgemark Estates Subdivision, Wastewater Treatment Plant (WDR Order R3-2004-0065), Tres Pinos County Water District (WDR Order 99-101), San Juan Bautista Wastewater Treatment Facility (WDR Order R3-2003-0087, NPDES CA0047902), South County Regional Wastewater Authority (SCRWA), Cities of Gilroy and Morgan Hill, (WDR Order R3-2004-0099, NPDES CA0049964), City of Watsonville Wastewater

Treatment Facility (WDR Order R3-2003-0040, NPDES CA0048216), and Pajaro County Sanitation District (WDR Order R3-2003-0041) (herein referred to as sanitary collection system jurisdictions) must continue to implement their Collection System Management Plans, as required by their Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits.

In addition, the sanitary collection system jurisdictions identified above and in Table IX-M-1 are also required to improve maintenance of their sewage collection systems, including identification, correction, and prevention of sewage leaks in portions of the collection systems that run through or adjacent to, impaired surface waters within the Pajaro River Watershed.

To this end, within six months following adoption of this TMDL by the Office of Administrative Law, the Executive Officer will issue a letter pursuant to Section 13267 of the CWC requiring: 1) submittal within one-year, a technical report that describes how and when the jurisdictions of the collection systems will conduct improved collection system maintenance in portions of the collection system most likely to affect impaired surface water bodies, with the end result being compliance with the Human Fecal Material Discharge Prohibition, and 2) stream monitoring for fecal coliform or another fecal indicator bacteria, and reporting of these monitoring activities, and 3) annual reporting of self-assessment as to whether the sanitary collection system jurisdiction is in compliance with the Human Fecal Material Discharge Prohibition.

PRIVATE SEWER LATERAL DISCHARGES

Individual owners and operators of private laterals to sanitary sewer collection systems are ultimately responsible for maintenance of their private laterals and are, therefore, responsible for complying with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with their load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of private laterals to sanitary sewer collection systems (owners/operators of private laterals) of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe the owner's/operator's of private laterals options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code section 13267 and within six months of the notification by the Executive Officer, owners/operators of private laterals will be required to submit the following for approval by the Executive Officer or the Water Board :

- 1) Clear evidence that the owner/operator of private lateral is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification by a sanitary collection system jurisdiction that owner/operator of private lateral is in compliance with the Human Fecal Material Discharge Prohibition, or

- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years from the date of the Executive Officer's notification to the owner/operator requiring compliance, or
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs or National Pollutant Discharge Elimination System (NPDES permit)), or
- 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information by a sanitary collection system jurisdiction, acting as the voluntary agents of owners/operators of private laterals. Note that an owner/operator of a private lateral cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) a sanitary collection system jurisdiction is not their voluntary agent, or 2) if the owner/operator of the private lateral does not choose the sanitary collection system jurisdiction as their agent, or, 3) the Executive Officer or Water Board does not approve the evidence submitted by the sanitary collection system jurisdictions on behalf of the owners/operators of private laterals.

DOMESTIC ANIMAL DISCHARGES NOT REGULATED BY A PERMIT FOR STORM WATER DISCHARGES

Owners and/or operators of lands containing domestic animals in the Pajaro River Watershed must comply with the Domestic Animal Waste Discharge Prohibition; compliance with the Domestic Animal Waste Discharge Prohibition implies compliance with the load allocation for this TMDL. Owners and/or operators of lands containing domestic animals must demonstrate compliance with the Domestic Animal Waste Discharge Prohibition by: submitting documentation demonstrating, to the satisfaction of the Executive Officer, that there are no discharges to surface waters that contain fecal material from domestic animals originating from the owner's and/or operator's land.

Owners and/or operators may be exempt from compliance with the Domestic Animal Waste Discharge Prohibition if they:

1. Submit a nonpoint source pollution control implementation program (Program) for approval by the Executive Officer that is consistent with the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, May 20, 2004*, as amended or replaced. Such a Program must include a list of specific management practices that will be implemented to control discharges containing fecal material from domestic animals. The Program must also describe how implementing the identified management practices are likely to progressively achieve the load allocations to domestic animals, with the ultimate goal achieving the load allocations no later than thirteen years after Office of

Administrative Law approval of the TMDL. The program must include monitoring and reporting to the Central Coast Water Board, demonstrating the progressive progress towards achieving load allocations for discharges from domestic animals, and a self-assessment of this progress Or,

2. Comply with Waste Discharge Requirements, or an NPDES permit, or conditional waivers of waste discharge requirements that explicitly addresses compliance with the Total Maximum Daily Loads for Fecal Coliform in the Pajaro River Watershed (R3-2009-0008).

Within three years of TMDL approval by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of lands used for/containing domestic animals of the requirement to 1) comply with the Domestic Animal Waste Discharge Prohibition, or 2) apply for exemption from the Domestic Animal Waste Discharge Prohibition as described above

TRACKING AND EVALUATION

Every three years, beginning three years after TMDLs are approved by the Office of Administrative Law, the Central Coast Water Board will perform a review of implementation actions, monitoring results, and evaluations submitted by responsible parties of their progress towards achieving their allocations. The Central Coast Water Board will use annual reports, nonpoint source pollution control implementation programs, evaluations submitted by responsible parties, and other available information to determine implementation progress toward achieving the allocations and the numeric target.

The Central Coast Water Board may conclude that ongoing implementation efforts are insufficient to ultimately achieve the allocations and numeric target. If the Central Coast Water Board makes this determination, responsible parties must improve and increase their reporting, monitoring, and/or implementation efforts, as necessary, for their allocations and the numeric target to be achieved. The Central Coast Water Board may conclude, at the time of review, that implementation efforts are expected to result in achieving the allocations and numeric target. In that case, responsible parties must continue to implement existing and anticipated reporting, monitoring, and implementation efforts.

Responsible parties will continue monitoring and reporting according to this plan for at least three years, at which time the Central Coast Water Board will determine the need for continuing or otherwise modifying the monitoring requirements. Responsible parties may also demonstrate that although water quality objectives are not being achieved in receiving waters, controllable sources of pathogens are not contributing to the exceedance. If this is the case, the Central Coast Water Board may re-evaluate the numeric target and allocations. For example, the Central Coast Water Board may pursue and approve a site-specific objective. The site-specific objective would be

based on evidence that natural, or background sources alone were the cause of exceedances of the Basin Plan water quality objective for fecal indicator bacteria.

Three-year reviews will continue until the TMDLs are achieved. The compliance schedule for achieving the allocations and numeric target required under these TMDLs is 13 years after the date of approval by the Office of Administrative Law.

AMENDMENT NO. 2. ADD THE DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION

Add the following prohibition to the Basin Plan at the top of Section IV.B, Chapter V, page V-8:

Domestic Animal Waste Discharge Prohibition:

Discharges containing fecal material from domestic animals to the waters of the State in the areas listed below are prohibited. Examples of domestic animals include, but are not limited to, horses, cattle, goats, sheep, dogs, cats or any other animal(s) in the care of any person(s).

1. Pajaro River Watershed

AMENDMENT NO. 3. ADD THE HUMAN WASTE DISCHARGE PROHIBITION

Add the following prohibition to the Basin Plan at the top of Section IV.B, Chapter V, page V-8:

Human Fecal Material Discharge Prohibition:

Discharges containing fecal material from humans to the waters of the State in the areas listed below are prohibited. Exceptions to this prohibition include discharges in accordance with Waste Discharge Requirements or other provisions of the California Water Code, Division 7, as amended:

1. Pajaro River Watershed